IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 14765 of 2006
Date of Decision: 21.5.2007

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Surta Ram Vs. State of Haryana and others

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Present : Mr.Ashwani Verma,Advocate for the petitioner.

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

Prayer in this writ petition is, for the issuance of a writ in the nature of Certiorari for quashing orders dated 30.9.2002, 14.1.2003 and 27.3.2006 passed by the District Development and Panchayat Officer-cum-Assistant Collector, Ist Grade, Fatehabad, the District Collector, Fatehabad and the Commissioner Hisar Division, Hisar, respectively.

The Gram Panchayat, respondent no.4 filed a petition under Section 7 of the Punjab Village Common Lands (Regulations) Act,1961 (hereinafter referred to as `the Act') before the District Development and Panchayat Officer-cum-Assistant Collector, Ist Grade, Fatehabad, for ejectment of the petitioner from land measuring 3 Kanals 9 Marlas. Vide

order dated 30.9.2002, the petition filed by the Panchayat was accepted. The petitioner filed an appeal before the Collector, which was dismissed on 14.1.2003. The petitioner, thereafter, preferred a revision, which was dismissed on 27.3.2006.

We have heard learned counsel for the petitioner and perused the impugned orders.

Counsel for the petitioner contends that the land does not belong to the Gram Panchayat, as after the Gram Panchayat was amalgamated with the Municipal Committee,Ratia, the land became the ownership of the Municipal committee. Though the Gram Panchayat has been reconstituted the land continues to vest with the Municipal Committee. The aforementioned contention is misplaced. After the Gram Panchayat, Dhani Jakhandadi was revived land which belonged to the Gram Panchayat reverted to its ownership and, therefore, the Gram Panchayat was competent to seek the petitioner's ejectment. The findings of fact returned by the authorities below that the petitioner is an unauthorised occupant, do not call for interference. As no other point has been urged, the present petition is dismissed.

(RAJIVE BHALLA)
JUDGE

21.5.2007 (P. SATHASIVAM)
GS JUDGE